

Amendment in Response to Non-Final Office Action Under 37 C.F.R. 1.111
I hereby certify that this paper (along with any paper referred to as being attached
or enclosed) is being transmitted via the Office electronic filing system in
accordance with § 1.6(a)(4).

Dated: August 16, 2010

Signature:


(Lisa Adams, Reg. No. 44,238)

Docket No.: 101896-234
(DEP5100CIP)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tushar Patel et al.

Application No.: 10/777,019

Confirmation No.: 2233

Filed: February 11, 2004

Art Unit: 3733

For: TISSUE RETRACTOR AND GUIDE DEVICE

Examiner: D. C. Comstock

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

Applicant also calls the Examiner's attention to the following co-pending application, the prosecution of which may be relevant to the pending application:

➤ **U.S. Application No. 12/838,013, entitled "Bone Fixation Plate,"**
filed on July 16, 2010.

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications.


In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b).

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed with this paper, asserted to be filed with this paper or which should have been filed with this paper to our Deposit Account No. 141449, under Client/Matter No. 101896-234.

Dated: August 16, 2010

Respectfully submitted,

By 
Lisa Adams
Registration No.: 44,238
NUTTER MCCLENNEN & FISH LLP
Seaport West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
(617) 439-2550
(617) 310-9550 (Fax)
Attorney for Applicant